

SPECIAL ORDINANCE NO. 25, 2017

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:
Part of 1400 E. Pugh Dr. (new address to be obtained), Terre Haute, IN 47802
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Rezone From: R-1 Single Family Residence District and
C-2 Community Commerce District

Rezone To: M-1 Light Industry District

Proposed Use: Contractor or Construction Office, Shops and Yards

Name of Owners: Isbell, Steven R. and Donna J.

Address of Owners: P.O. Box 2068
Terre Haute, IN 47801

Phone Number of Owners: c/o Thomas S. Clary II
812-232-3388

Attorney Representing Owners: Thomas S. Clary II

Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: Amy Auler

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

Comments: This parcel is partially zoned C-2 and R-1. The area has mixed uses of residential, commercial and industrial. In close proximity are Kelly Products (M-1), Supreme Heating and Air Conditioning, Inc., Mattingly's Collision Center and Wolfe's Auto Auction. The area is seeing commercial and industrial development for increases in its tax base as well as development and expansion of Margaret Avenue and Erie Canal Rd. Currently, the subject property is vacant land.

FILED

MAY 05 2017

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 25, 2017**

CITY CLERK

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION I. BE IT ORDANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

A part of the Northwest Quarter of the Northeast Quarter of Section 3, Township 11 North, Range 9 West of the 2nd Principal Meridian, Honey Creek Township, Vigo County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of the Northeast Quarter of Section 3, Township 11 North, Range 9 West on the 2nd Principal Meridian; thence South 00 degrees 40 minutes East (assumed bearing) on the West line of the Northeast Quarter of Section 3 a distance of 198.02 feet to the Point of Beginning; thence South 89 degrees 56 minutes East a distance of 345.70 feet to a point; thence South a distance of 119.50 feet to a point; thence North 89 degrees 56 minutes West a distance of 344.30 feet to a point on the West line of said Northeast Quarter; thence North along the West line of said Northeast Quarter on a bearing of North 00 degrees 40 minutes West a distance of 119.51 feet to the Point of Beginning.

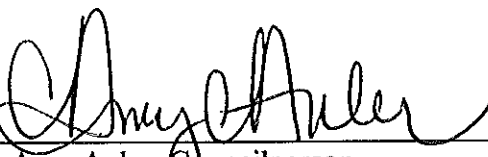
Containing 0.95 acres.

Subject to a road easement of 20' of even width off the West side of the above described tract for South 13th Street. Also subject to any other Grants, Easements, or Right of Ways of Record.

Be and the same is hereby established as an M-1 Light Industrial District, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member,


Amy Auler, Councilperson

Passed in open Council this _____ day of _____, 2017.

Karrum Nasser, President

ATTEST:

Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this _____ day of _____, 2017.

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this _____ day of _____, 2017.

Duke A. Bennett, Mayor

ATTEST:

Charles P. Hanley, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Thomas S. Clary II

This instrument prepared by Thomas S. Clary II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Steven R. Isbell and Donna J. Isbell, respectfully submit this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

A part of the Northwest Quarter of the Northeast Quarter of Section 3, Township 11 North, Range 9 West of the 2nd Principal Meridian, Honey Creek Township, Vigo County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of the Northeast Quarter of Section 3, Township 11 North, Range 9 West on the 2nd Principal Meridian; thence South 00 degrees 40 minutes East (assumed bearing) on the West line of the Northeast Quarter of Section 3 a distance of 198.02 feet to the Point of Beginning; thence South 89 degrees 56 minutes East a distance of 345.70 feet to a point; thence South a distance of 119.50 feet to a point; thence North 89 degrees 56 minutes West a distance of 344.30 feet to a point on the West line of said Northeast Quarter; thence North along the West line of said Northeast Quarter on a bearing of North 00 degrees 40 minutes West a distance of 119.51 feet to the Point of Beginning.

Containing 0.95 acres.

Subject to a road easement of 20' of even width off the West side of the above described tract for South 13th Street. Also subject to any other Grants, Easements, or Right of Ways of Record.

Your Petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," a part of the above-described real estate is now zoned as R-1 Single Family Residence District and a part is now zoned as C-2 Community Commerce District.

Your Petitioner intends to sell the vacant real estate to Dan Carr for construction of a Contractor or construction office, shop and yard for his business, Dan Carr Signature

Interiors. Your Petitioner would request that the real estate described herein shall be zoned as an M-1 Light Industrial District.

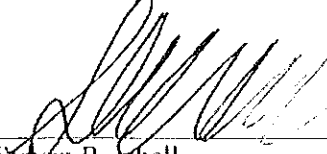
Your Petitioner would allege that the Light Industrial District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed use neighborhood, in close proximity to another M-1 district. Furthermore, the subject property is currently vacant and the development would add to the tax base, while the subject property remains consistent with other businesses in the area and the development of Margaret Avenue and Erie Canal Road.

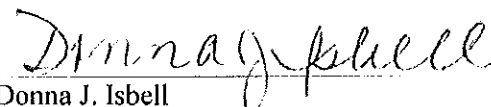
Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," and declaring the above-described real estate to be part of the an M-1 Light Industrial District of the City of Terre Haute, Indiana, and be entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, This petition has been duly executed this 4th
day of May, 2017.

PETITIONER:



Steven R. Isbell

Donna J. Isbell

This instrument prepared by Thomas S. Clary II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

SITE PLAN

1400 E. Pugh Drive (new address to be obtained), Terre Haute, IN 47802

R-1 and C-2 to M-1

Proposed Use: Contract or Construction Office, Shops and Yards



Surveyed land

MYERS ENGINEERING

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

HHO Date 08/10/1999 Time 09:14:51
Mitchell Haulon
Vigo County Recorder 12.00
Filing Fee: 0 444/3975
1 9914416

SEP 9 1999

EXEMPT FROM DISCLOSURE

Justin A. Anderson ALDERMAN
Vigo County

WARRANTY DEED

THIS INDENTURE WITNESSETH:

JAMES R. ISBELL AND MAXINE L. ISBELL, Husband and Wife, of St. Lucie County, in the State of Florida, CONVEY AND WARRANT to STEVEN R. ISBELL AND DONNA J. ISBELL, Husband and Wife, of Vigo County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County in the State of Indiana, to-wit:

A part of the Northwest Quarter of the Northeast Quarter of Section 3, Township 11 North, Range 9 West of the 2nd P.M., Honey Creek Township, Vigo County, Indiana, more particularly described as follows:

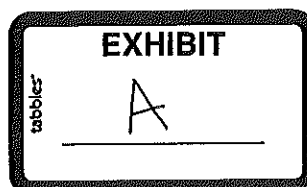
Commencing at the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 3, Township 11 North, Range 9 West on the 2nd P.M., thence South 0 degrees 40' East (assumed bearing) on the west line of the Northeast Quarter of Section 3 a distance of 198.02 feet to the point of beginning; thence South 89 degrees 56' East a distance of 345.70 feet to a point; thence South a distance of 119.50 feet to a point; thence North 89 degrees 56' West a distance of 344.30 feet to a point on the West line of said Northeast Quarter thence North along the West line of said Northeast Quarter on a bearing of North 0 degrees 40' West a distance of 119.51 feet to the point of beginning.

Containing 0.95 acres.

Subject to a road easement of 20' of even width off the West side of the above described tract for South 13th Street. Also subject to any other Grants, Easements, or Right of Ways of Record.

Commonly known as 1325 Margaret Avenue, Terre Haute, Indiana.

Taxes prorated to date of deed.



MYERS ENGINEERING

3976

This Deed is conveyed to Grantees in satisfaction of a Land Contract dated December 27, 1985, by and between Grantors and Grantees, and all terms and conditions of said Land Contract have been completed.

IN WITNESS WHEREOF, the said Grantors above named James R. Isbell and Maxine L. Isbell, Husband and Wife, have hereunto set their hands and seals, this 6th day of August, 1999.

James R. Isbell
James R. Isbell
Maxine L. Isbell
Maxine L. Isbell

STATE OF FLORIDA, COUNTY OF VICU SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 6th day of August, 1999, personally appeared the within named James R. Isbell and Maxine L. Isbell, Husband and Wife, Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary acts and deeds.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Tami L. Robertson
Tami L. Robertson, Notary Public

My Commission Expires:

County of Residence:

8-27-01

Pike

Mail to: Steven R. Isbell & Donna J. Isbell, 1425 Margaret Avenue, Terre Haute, IN 47802.

This instrument prepared by Timothy E. Fears, Wright, Shagley & Lowery, 500 Ohio Street, P.O. Box 8448, Terre Haute, IN 47808-8448.

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Steven R. Isbell and Donna J. Isbell, being duly sworn upon their oath, and deposes and says:

1. That Steven R. Isbell and Donna J. Isbell are the owners of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

A part of the Northwest Quarter of the Northeast Quarter of Section 3, Township 11 North, Range 9 West of the 2nd Principal Meridian, Honey Creek Township, Vigo County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of the Northeast Quarter of Section 3, Township 11 North, Range 9 West on the 2nd Principal Meridian; thence South 00 degrees 40 minutes East (assumed bearing) on the West line of the Northeast Quarter of Section 3 a distance of 198.02 feet to the Point of Beginning; thence South 89 degrees 56 minutes East a distance of 345.70 feet to a point; thence South a distance of 119.50 feet to a point; thence North 89 degrees 56 minutes West a distance of 344.30 feet to a point on the West line of said Northeast Quarter; thence North along the West line of said Northeast Quarter on a bearing of North 00 degrees 40 minutes West a distance of 119.51 feet to the Point of Beginning.

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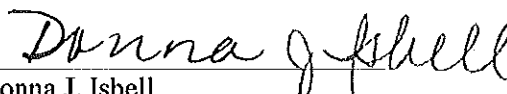
2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit "A."

3. That Affiants make this Affidavit for the sole purpose of affirming that Steven R. Isbell and Donna J. Isbell are the owners of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Steven R. Isbell and Donna J. Isbell.

4. Further, Affiant saith not.

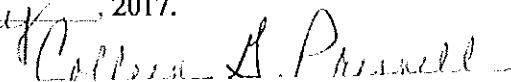
Dated at Terre Haute, Indiana this 4th day of May, 2017.


Steven R. Isbell


Donna J. Isbell

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said
County and State, this 4th day of May, 2017.


Colleen G. Presnell, Notary Public

My Commission expires: Sept. 20, 2020

My County of Residence: Subsidiary

This instrument prepared by Thomas S. Clary II, Attorney at Law, WRIGHT, SHAGLEY
& LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

Receipt

The following was paid to the City of Terre Haute, Controller's Office.

Date: 5/5/17

Name: Steven & Donna Isbell

Reason: Rezoning - Notice of Filing \$25.00

Rezoning - Petition \$20.00

\$45.00

Cash: _____

Check: # 67324 \$45.00

Credit: _____

Total: \$45.00

Received By: L Ellis / cjm

TERRE HAUTE, IN
PAID
MAY 11 2017
CONTROLLER